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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,091	03/23/2004	Darryl A. Bourgoyne	H055010.0035US1	3844
1200	7590	01/27/2006	EXAMINER	
AKIN, GUMP, STRAUSS, HAUER & FELD 1111 LOUISIANA STREET 44TH FLOOR HOUSTON, TX 77002			DANG, HOANG C	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/807,091	Applicant(s) BOURGOYNE ET AL.	
	Examiner Hoang Dang	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43,44,46,48-54,56-61,64-68 and 70-87 is/are pending in the application.
- 4a) Of the above claim(s) 79-87 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43,44,48-54,56-61,64-68 and 70-77 is/are allowed.
- 6) ☒ Claim(s) 46 and 78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/05, 12/25/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 79-87 are directed to an invention that is independent or distinct from the invention that applicants has elected without traverse on May 18, 2005 and has received an action on the merits. The invention of the newly submitted claims 79-87 is distinct from the elected invention for the same reasons set forth in the Restriction Requirement letter mailed on April 20, 2005.
2. Claims 79-87 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 18, 2005.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 46 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over the April 1998 Offshore Drilling with Light Weight Fluids Joint Industry Project Presentation (reference II on PTO-1449 filed 5/7/2004) (herein after "Reference II) in view of Harrison (US 3,638,721) or vice versa.

Reference II discloses a method of drilling an offshore well with lightweight fluids. On page C-9, it discloses the use of a rotating head at the top of a riser without telescopic joint. Reference II does not disclose the structure of the rotating head. Harrison '721 discloses a method and apparatus for drilling an offshore well from a floating vessel as that of Reference II.

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However, Harrison teaches using a rotating head 22 including a housing 42 that rotatably supports a removable seal member 40 and has an opening 60 for returning drilling fluid to the floating vessel through a flexible pipe 35. The rotatable seal member 40 is movable with an inner member 41 to sealably engage a rotatable drill string. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use of a rotating head having a structure as claimed in the Reference II in view of the teaching of Harrison.

Alternatively, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a riser in Harrison and locate the rotating head 22 above the riser as claimed in view of the teaching of Reference II.

Response to Arguments

5. Applicant's arguments filed November 14, 2005 have been fully considered but they are not persuasive.

With respect to claim 46, contrary to applicant's argument, the "inner member", "radially outwardly disposed outer member", "bearings", "seal" and "housing" as called for in claim 46 do not distinguish from elements (41), (43), (44a), (40) and (42) respectively of the rotating control head of Harrison. It is noted that the uppermost portion of bearing element 41 is located radially inward of the radially outer portion of retainer plate 43.

Regarding claim 78, contrary to applicant's argument, Figure 3 of Harrison clearly shows sealing element 40 in sealing engagement with a rotating drilling string 20. Moreover, Harrison discloses in column 2, lines 55-57 that "[r]otation of drill pipe 20 rotates sealing element 40 and bearing element 41 against which sealing element 40 is sealed."

Allowable Subject Matter

6. Claims 43, 44, 48-54, 56-61, 64-68 and 70-77 are allowed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

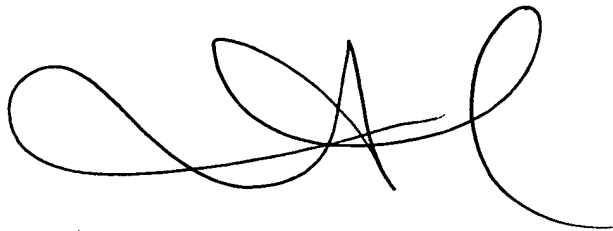
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 571-272-7028. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoang Dang
Primary Examiner
Art Unit 3672

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.